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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			TIEU, BINH KIEN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,299

Applicant(s)

NIELSEN ET AL.

Examiner

/BINH K. TIEU/

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Mathews et al. (Pub. No.: US 2004-/0216054).

Regarding claims 1 and 13, Mathews et al. (“Mathews”) teaches an apparatus and method for modifying skin and theme screens on a portable communication device, such as cellular phone or the like. The portable communication device, as shown in figure 1, comprises processor 12, GPS 39, display 30, alert 34, user input device 37, internal and external memories such as external memory 32 and internal memory 24 for storing themes and skins data information, multiple skin and theme types or theme packs 20 (see paragraphs [0019] and [0020]). Mathews also teaches in these paragraphs, the processor 12 can be programmed to dynamically customize a skin and theme displayed on the communication device 10 and to dynamically customize data associated with at least one program for rendering the display based on an event. Mathews further teaches that the event is a trigger on selection of at least one among the skin and theme types 24 which can be occurred upon the event recognizable by the

portable communication device 10. The event can be one of the possible events including, i.e., a detection of a change in location using the GPS (i.e., base station identifiers, etc.) (See paragraph [0021]). It means the processor of the portable communication device, upon detection of the change of a location (entering a new location or leaving the service location based on based identifiers received at the portable communication terminal 10), dynamically changes the skin and theme on the terminal display 30 corresponding to the new base station identifier.

Regarding claims 2 and 3, as discussed in the claim 1 above, Mathews teaches the processor changes the skins and theme on the display of the communication terminal upon detection of changing in location using the GPS, as described in paragraph [0021]. It should be further understood that the skins and theme are not changed if the portable communication terminal still in the service base station.

Regarding claim 4, note the types A, B, etc. in paragraph [0020].

Regarding claim 5, note in paragraphs [0027]-[0028].

Regarding claim 6, note the alert 34 in figure 1, paragraph [0019].

Regarding claims 7-9, note in paragraphs [0022]-[0023].

Regarding claim 10, note in paragraph [0025].

Regarding claim 11, note the display 30, alert 34, user input device 37 and other elements of the communication terminal 10 in figure 1, paragraph [0019].

Regarding claim 12, note the iconic main menu in paragraph [0024].

Regarding claims 14-16, note the internal and external memories such as external memory 32 and internal memory 24 for storing themes and skins data information, multiple skin and theme types or theme packs 20 (see paragraphs [0019] and [0020]).

Regarding claim 17, Mathews teaches an electronic device, having a plurality of user selectable options, comprising:

a user interface having a display and a user input device (i.e., display 30, and user input device 37, as shown in figure 1);

a memory for defining a first theme and a second theme, wherein the first theme defines how an electronic device is controlled by the user input to select an option when the first theme is adopted by the electronic device and the second theme defines how an electronic device is controlled by the user input to select an option when the second theme is adopted by the electronic device (i.e., external memory 32 and internal memory 24 storing skins and themes data information, Types A, B, etc. and theme packs 20, note paragraphs [0019] and [0020]);

selection means for selecting said first theme or said second theme for adoption by the electronic device (i.e., iconic main menu, see paragraph [0024] and use of applets in paragraph [0031]); and

a controller, for controlling the operation of the electronic device at least partially in accordance with the adopted one of the themes (note paragraphs [0019], [0025], [0027], etc.).

regarding claim 18, Mathews further teaches that a user is allowed to customize or personalize various screens on a portable communication product using a single theme pack (see paragraph [0028]). Mathews further teaches that the user can program his or her portable communication terminal to automatically change the skin and theme based on predetermined event, i.e., when an incoming call from a girlfriend, hearts and flowers will be displayed on the communication device along with love music (see paragraph [0031]), or if his or her friend call from different location, i.e., from Florida or Chicago, different skins and themes changed on the

display of the communication device (see paragraph [0032]). Therefore, Mathews inherently teaches a plurality of user selectable options of skins and themes, theme packets, applet, etc.

Regarding claim 19, note the iconic main menu in paragraph [0024].

Regarding claim 20, note paragraph [0028].

Regarding claim 21, note the alert 34 in figure 1, paragraph [0019].

Regarding claims 22-24, note paragraphs [0022]-[0023] and [0028].

Regarding claims 25-27, note paragraphs [0021], [0025] and [0032].

Regarding claim 28, Mathews teaches a method of customizing the manner in which an electronic device, having a plurality of user selectable options, is controlled by a user to select an option, comprising the steps of:

providing a first theme defining how an electronic device is controlled by a user to select an option when the first theme is adopted by the electronic device (i.e., a user customizes the functionality of his communication device for receiving incoming calls from his girlfriend so that hearts and flowers will be appeared on the display of his communication device, see paragraph [0031]);

providing a second theme that defines how an electronic device is controlled by the user to select an option when the second theme is adopted by the electronic device (i.e., a user customizes his communication device so that incoming call or going call from location such as Florida and/or Chicago, Miami Dolphins insignia or Chicago Bear will be displayed on their wallpaper backplash, see paragraph [0032]); and

selecting the first theme or the second theme for adoption by the electronic device (see paragraphs [0021], [0025] and [0027]).

Regarding claim 29, note paragraph [0028].

Regarding claims 30-31, note paragraph [0034].

Regarding claim 32, Mathews teaches a mobile electronic device, having a plurality of user selectable options, comprising:

a user interface having a display and a user input device (i.e., display 30, and user input device 37, as shown in figure 1);

a memory for associating a first theme with first location, wherein the first theme defines how an electronic device is controlled by the user input to select an option when the first theme is adopted by the electronic device; (i.e., external memory 32 and internal memory 24 storing skins and themes data information, Types A, B, etc. and theme packs 20, note paragraphs [0019] and [0020]);

detection means for automatically detecting when the mobile device is at the first location (see paragraph [0021]);

selection means for selecting said first theme for adoption by the electronic device when the mobile device is at the first location (i.e., iconic main menu, see paragraph [0024] and use of applets in paragraph [0031]); and

a controller, for controlling the operation of the electronic device at least partially in accordance with the adopted one of the themes (note paragraphs [0019], [0025], [0027], etc.).

Regarding claim 33, Mathews teaches a method of customizing the manner in which an electronic device, having a plurality of user selectable options, is controlled by a user to select an option, comprising the steps of:

providing a first theme defining how an electronic device is controlled by a user to select

an option when the first theme is adopted by the electronic device (i.e., a user customizes the functionality of his communication device for receiving incoming calls from his girlfriend so that hearts and flowers will be appeared on the display of his communication device, see paragraph [0031]);

detection means for automatically detecting when the mobile device is at the first location (see paragraph [0021]); and

selecting the first theme or the second theme for adoption by the electronic device (see paragraphs [0021], [0025] and [0027]).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chaplin et al teaches a profile-dependent background picture for mobile terminal display. The default background picture will be changed depend on choice of one of stored profiles from a user.

Response to Arguments

4. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: February 2008